

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kenneth E. Andersen and Dell D.
Holm, On behalf of themselves and
all others similarly situated,

and

William K. Bulmer, II, On behalf
of himself and all others similarly
situated,

Plaintiffs,

v.

ORDER

Civil No. 08-5687 ADM/RLE

The County of Becker, Minnesota,
Tim Gordon, in his capacity as Sheriff
of Becker County, and Joseph H.
McArthur, in his capacity as Captain in
the Becker County Sheriff's Department,

Defendants.

Daniel C. Bryden, Esq. and Mara R. Thompson, Esq., Sprenger & Lang, PLLC, Minneapolis, MN, appeared for and on behalf of the Plaintiffs.

Jon K. Iverson, Esq., Iverson Reuvers, LLC, Bloomington, MN, appeared for and on behalf of the Defendants.

On December 12, 2008, the undersigned United States District Judge heard oral argument on Plaintiff Kenneth Andersen's Motion for Temporary Restraining Order [Docket No. 4]. As stated on the record at oral argument, Plaintiff's motion is denied.

Plaintiffs allege that Defendants have recorded their attorney-client phone calls in violation of their Constitutional rights. None of the named Plaintiffs is currently incarcerated at the Becker County Detention Center, and Plaintiffs have submitted no evidence or affidavits that

this practice is currently ongoing. The Court recognizes that Defendants' policies for informing inmates about the process for placing an attorney on the Do Not Record list, both in the jail and in the inmate handbook, is troublesome and could be improved, but these deficiencies do not rise to the level of a Constitutional violation currently warranting injunctive relief.

Based upon the foregoing, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff Kenneth Anderson's Motion for a Temporary Restraining Order [Docket No. 4] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: December 12, 2008.